

1 UNITED STATES BANKRUPTCY COURT
2 DISTRICT OF NORTH DAKOTA

3 In Re: Case No.: 24-30168
4 Stark Energy, Inc., Chapter 11, Subchapter V
5 Debtor.
6

7
8 VIDEOCONFERENCE DEPOSITION

9 of

10 **DELENE FETTIG**

11 June 28, 2024

12 12:57 p.m.
13
14
15
16
17
18

19 LOCATION:
20 All parties appearing via Zoom.
21
22
23

24 COURT REPORTER: CAROLYN TAYLOR PEKAS, RPR
25

1 A P P E A R A N C E S

2 On Behalf of the Debtor:

3 Maurice VerStandig, Esq.
4 THE DAKOTA BANKRUPTCY FIRM
5 1630 First Avenue North, Suite B
6 Fargo, North Dakota 58102
7 701.394.3215
8 mac@dakotabankruptcy.com

9 On Behalf of Creditor Gate City Bank:

10 Caren W. Stanley, Esq.
11 VOGEL LAW FIRM
12 218 NP Avenue
13 PO Box 1389
14 Fargo, North Dakota 58107-1389
15 701.237.6983
16 cstanley@vogellaw.com

17 Also Present: (See page 36)

18
19
20
21
22
23
24
25

I N D E X

WITNESS: PAGE NO.

DELENE FETTIG

EXAMINATION:

By Ms. Stanley..... 4
Deposition Correction Sheet..... 38
Notary Reporter's Certificate..... 39

EXHIBITS: MARKED FIRST REFERENCE

(Premarked Exhibits)

No. 1..... 12
Stark Energy asset list
No. 12..... 11
Invoices with summary sheet
No. 16..... 24
Gate City bank records

DOCUMENT/INFORMATION REQUESTS:

None.

<p>1 -----</p> <p>2 MR. VERSTANDIG: All right. As counsel for</p> <p>3 Stark Energy, I stipulate to this deposition being</p> <p>4 conducted without the utilization of video equipment</p> <p>5 for the deponent.</p> <p>6 MS. STANLEY: I stipulate as well on behalf</p> <p>7 of Gate City Bank.</p> <p>8 -----</p> <p>9 DELENE FETTIG,</p> <p>10 having been first duly sworn to tell the truth,</p> <p>11 the whole truth, and nothing but the truth,</p> <p>12 testified as follows:</p> <p>13 -----</p> <p>14 EXAMINATION</p> <p>15 BY MS. STANLEY:</p> <p>16 Q. Apologies to you for the delay. I'm sorry</p> <p>17 about that. We went a little long earlier, so thank</p> <p>18 you for coming back.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Appreciate that.</p> <p>21 Ms. Fettig, what is your address?</p> <p>22 A. 1860 Fourth Avenue East, Dickinson,</p> <p>23 North Dakota 58602. Or 01. 01. I'm sorry.</p> <p>24 Q. Have you ever had your deposition taken</p> <p>25 before?</p>	<p>1 Q. What do you do for Stark Energy?</p> <p>2 A. I process paperwork, like tickets or a</p> <p>3 payment. Paperwork. That's kind of it.</p> <p>4 Q. Do you pay invoices?</p> <p>5 A. Yeah. Some of them. I -- I don't do all of</p> <p>6 any one thing. I do some here, some there, some</p> <p>7 here, some there.</p> <p>8 Q. Who does the books for the company?</p> <p>9 A. Well, we have -- I've had people in the</p> <p>10 office that were supposed to be doing the books, and</p> <p>11 recently I found out that -- after they were gone,</p> <p>12 that they took an invoice number and entered it in as</p> <p>13 a part cost into QuickBooks, which prevent --</p> <p>14 prevented accurate information recording. They</p> <p>15 recorded a \$433 part as like one hundred and</p> <p>16 seventy-nine thousand five hundred and fifty-eight --</p> <p>17 or million -- I don't know. It was six digits. I'm</p> <p>18 not a math person. But it was way off.</p> <p>19 They -- they -- they took -- like if you get</p> <p>20 a debit card and you -- or a fuel card and you get</p> <p>21 multiple cards for that one account, they took every</p> <p>22 card and entered them in as a bank account. It's all</p> <p>23 messed up.</p> <p>24 And I'm left with the aftermath and trying</p> <p>25 to get the CPA to help me, but I don't know with all</p>
<p>1 A. No. Never.</p> <p>2 Q. Have you ever had to testify at a -- in</p> <p>3 court before?</p> <p>4 A. The only court thing I ever had that I can</p> <p>5 recall is my divorce. I don't know.</p> <p>6 Q. When was that?</p> <p>7 A. Oh, I don't know. Long time ago. 2000</p> <p>8 and -- I don't know -- '5 or '6. I don't know.</p> <p>9 Q. Okay. What's your educational background?</p> <p>10 A. I have a high school diploma.</p> <p>11 Q. When did you receive that?</p> <p>12 A. 1977.</p> <p>13 Q. And where was that?</p> <p>14 A. In Michigan.</p> <p>15 Q. Okay. Have you ever been convicted of a</p> <p>16 crime?</p> <p>17 A. No. Got a speeding ticket.</p> <p>18 Q. So have I.</p> <p>19 A. Uh-huh.</p> <p>20 Q. Do you hold any position with Stark Energy,</p> <p>21 like president? vice president?</p> <p>22 A. No. Uh-huh.</p> <p>23 Q. Do you have -- are you an owner in the</p> <p>24 business?</p> <p>25 A. No.</p>	<p>1 this bankruptcy and where it's at and -- I -- I don't</p> <p>2 know. Everything, I understand, has to be approved.</p> <p>3 I don't know.</p> <p>4 Q. Have you been paid a salary by Stark Energy</p> <p>5 in the past year?</p> <p>6 A. I have chosen to not take money because he's</p> <p>7 struggling. That's my choice. I'm trying to help</p> <p>8 him, and...</p> <p>9 Q. What about in 2023, did you take a salary?</p> <p>10 A. No. But going forward, I -- we're going to</p> <p>11 have to take salaries, so I'm going to take one.</p> <p>12 Q. Can you tell me a bit about Fettig</p> <p>13 Enterprise? What does this business do?</p> <p>14 A. Fettig Enterprise, that goes over the road.</p> <p>15 Q. Are there -- so who owns the stock in that</p> <p>16 entity?</p> <p>17 A. Who owns what? I'm sorry.</p> <p>18 Q. Who owns the business, the shares?</p> <p>19 A. Rob.</p> <p>20 Q. Okay. And did you incorporate that in 2020?</p> <p>21 A. I don't know when it came to be. I -- I'd</p> <p>22 have to go look at records. I don't -- I don't</p> <p>23 retain all that.</p> <p>24 Q. Is there --</p> <p>25 A. Things that were done were done properly.</p>

<p>1 That's all I know.</p> <p>2 Q. Who did them?</p> <p>3 A. The CPA, the attorneys, I don't know. A</p> <p>4 lawyer, I think. Incorporated. Yeah, it was done by</p> <p>5 an attorney.</p> <p>6 Q. Is this attorney in Minnesota or Michigan or</p> <p>7 where?</p> <p>8 A. Minnesota.</p> <p>9 Q. Do you recall the name?</p> <p>10 A. No, I don't. Again, I'd have to go look for</p> <p>11 stuff.</p> <p>12 Q. Has Fettig Enterprise ever made a loan to</p> <p>13 Stark Energy?</p> <p>14 A. Not that I'm aware of.</p> <p>15 Q. Would you be privy to a lot of those</p> <p>16 transactions? Would you know about them?</p> <p>17 A. I -- I don't. I just process tickets, you</p> <p>18 know? I try to get people in the office to do stuff.</p> <p>19 I -- I don't know.</p> <p>20 Q. Do you typically pay most of the bills for</p> <p>21 the company, like you write out checks, or -- or --</p> <p>22 A. I do write out checks, and I do pay bills.</p> <p>23 I don't want to say I pay all of them, but I do pay</p> <p>24 bills.</p> <p>25 Q. Do you make the decision on what bills to</p>	<p>10</p> <p>1 records for the business there?</p> <p>2 A. Well, I'm a bit disorganized. I -- I -- I</p> <p>3 get bills to pay. I can look for bills if you're</p> <p>4 looking for something in specific, but, again, I -- I</p> <p>5 don't do all of that. I mean, I -- I had office</p> <p>6 staff that was supposed to be doing stuff, and it's</p> <p>7 all messed up.</p> <p>8 Q. So when the office staff does stuff, do they</p> <p>9 do it at your house or at the shop?</p> <p>10 A. No. They would -- well, they -- they would</p> <p>11 do it primarily here, uh-huh.</p> <p>12 Q. Okay. Do you ever recall receiving invoices</p> <p>13 from Yuker Towing?</p> <p>14 A. No. I -- I think I might have seen one, but</p> <p>15 I don't -- I don't know. I don't know.</p> <p>16 Q. Does Stark Energy owe money to you for</p> <p>17 towing?</p> <p>18 A. Yeah. I don't know the amount, but I know</p> <p>19 that he owes him money for towing and such, but...</p> <p>20 Q. Has Yuker Towing ever emailed bills to Stark</p> <p>21 Energy?</p> <p>22 A. I don't know if he has or not.</p> <p>23 Q. Can you see us?</p> <p>24 A. Yeah.</p> <p>25 Q. Okay.</p>
<p>9</p> <p>1 get paid or is that Rob?</p> <p>2 A. No. No. I don't make decisions, uh-uh.</p> <p>3 Q. So are you -- would you say you're aware,</p> <p>4 though, of what debts are owing by Stark Energy?</p> <p>5 A. I -- I -- I wouldn't say I'm a hundred</p> <p>6 percent accurate, no.</p> <p>7 Q. But you have a fairly good understanding,</p> <p>8 right, if you're the one paying the bills?</p> <p>9 A. Well, I -- you know, I -- I know I went to</p> <p>10 pay the shop, and they refused payment. That just</p> <p>11 dropped my jaw. Because we had brought it current,</p> <p>12 and then I went to the next month to make the</p> <p>13 payment, and they refused it.</p> <p>14 Q. So how do bills typically arrive at Stark</p> <p>15 Energy? Are they emailed to you or --</p> <p>16 A. No. U.S. mail.</p> <p>17 Q. Okay. And they go where?</p> <p>18 A. Well, they would come here or the PO box.</p> <p>19 Q. Okay. So when you say "here," do you mean</p> <p>20 at the shop or your house?</p> <p>21 A. No. 1860 Fourth Avenue East.</p> <p>22 Q. And that's your house. Right?</p> <p>23 A. Right. And that's where the office is.</p> <p>24 Q. Okay. Do you have copies of bills and stuff</p> <p>25 in the office there, or what -- what do you have for</p>	<p>11</p> <p>1 A. Actually, I don't know what's -- I mean, I</p> <p>2 can log out and try and log back in again.</p> <p>3 Q. That's fine. As long as you can see us. I</p> <p>4 just wanted to see if you can look at my screen. Are</p> <p>5 you able to see this?</p> <p>6 A. I've got to get my cheater glasses. One</p> <p>7 second. Don't get old, because you need glasses.</p> <p>8 Hold on.</p> <p>9 (Brief pause in proceedings.)</p> <p>10 A. Okay. So this says Exhibit 12. It says</p> <p>11 "R. Fetting." I don't know who that is.</p> <p>12 Q. (BY MS. STANLEY) Robert -- oh, it does say.</p> <p>13 I apologize. My assistant had a misspelling issue,</p> <p>14 apparently. Yeah, there shouldn't be an "N" there.</p> <p>15 Correct?</p> <p>16 A. Correct.</p> <p>17 Q. Okay. Have you seen invoices similar to</p> <p>18 this one from Yuker Towing?</p> <p>19 A. I think I've seen one before, but I don't</p> <p>20 know. This one is dated 2020.</p> <p>21 Q. Yes.</p> <p>22 A. So, I mean, I -- you know, I -- I see it in</p> <p>23 front of me now. I -- I don't know.</p> <p>24 Q. Is Mr. Fettig with you?</p> <p>25 A. No.</p>

<p style="text-align: right;">12</p> <p>1 Q. Was he in the basement earlier testifying?</p> <p>2 A. As far as I know. I don't know. I ran and</p> <p>3 did errands, and I'm doing my thing, and I'm talking</p> <p>4 to you.</p> <p>5 Q. So is he in the same house as you right now,</p> <p>6 though?</p> <p>7 A. Well, he's not here. I'm -- I don't know</p> <p>8 where he's going. I'm doing my thing, and I'm trying</p> <p>9 to do other things, and I tried to log in for you</p> <p>10 earlier, and it was not good timing.</p> <p>11 Q. Okay.</p> <p>12 A. So I don't know.</p> <p>13 Q. Are you aware of a list of equipment for</p> <p>14 Stark Energy? Is there something like a master list?</p> <p>15 A. There -- I -- I don't know what you're</p> <p>16 referring to. Had to create different itemizations</p> <p>17 for different purposes for different things, you</p> <p>18 know, for lenders or for -- for loans or -- I don't</p> <p>19 know, but I don't have an end-all, be-all master</p> <p>20 list, no. I'm not aware of that.</p> <p>21 Q. Have you seen this Exhibit 1 before?</p> <p>22 A. I've seen something like that before, yeah.</p> <p>23 I don't know exactly what this data is. It looks --</p> <p>24 it's got -- it's got -- it's got equipment on it and</p> <p>25 all of the things.</p>	<p style="text-align: right;">14</p> <p>1 A. No. Paper. I'm -- I'm not a -- I'm not a</p> <p>2 computer guru.</p> <p>3 Q. So there is paper in the office that would</p> <p>4 have the list?</p> <p>5 A. I would have to find the titles and create a</p> <p>6 list.</p> <p>7 Q. In your conversations with Robert, has he</p> <p>8 ever referred to Andy Yuker as his friend whose dad</p> <p>9 recently died?</p> <p>10 A. I don't know what goes on with that. I --</p> <p>11 I -- Yuker and Rob and Rob and Driver A, B, C, X, Y,</p> <p>12 Z, I don't get involved in any of that. I have a</p> <p>13 hard time with drivers calling each other nicknames</p> <p>14 and not even their real names, so I -- I don't know.</p> <p>15 Q. Have you ever spoken with Andy Yuker on the</p> <p>16 phone?</p> <p>17 A. Well, yeah. He -- yeah. He's -- he's --</p> <p>18 he's towed stuff, and he's, you know, done repair</p> <p>19 work, you know. I helped facilitate that, you know,</p> <p>20 to -- to get him to whatever down equipment or</p> <p>21 whatever, you know.</p> <p>22 Q. Let's look at -- I'm going to show you -- do</p> <p>23 you recall on October 20th to the 23rd of 2023 when</p> <p>24 Robert was incarcerated?</p> <p>25 A. Okay. So he was incarcerated.</p>
<p style="text-align: right;">13</p> <p>1 Q. So you have seen this before?</p> <p>2 A. I -- yeah. I'm sure I've seen it. Have I</p> <p>3 looked at it in detail? No.</p> <p>4 Q. Okay. Do you know who created it?</p> <p>5 A. I -- I don't know.</p> <p>6 Q. Did you create it?</p> <p>7 A. I did not. That's not my work.</p> <p>8 Q. Are these references to the unit numbers</p> <p>9 familiar to you? Like, you know, "S" for the</p> <p>10 tractors?</p> <p>11 A. Identified as unit numbers. I don't know</p> <p>12 what you're asking.</p> <p>13 Q. Like, I mean, are you aware of the actual</p> <p>14 equipment, like which one is S-205?</p> <p>15 A. No. I don't know that stuff. That's not in</p> <p>16 my realm.</p> <p>17 Q. Okay.</p> <p>18 A. I'm not a driver. I don't -- uh-uh.</p> <p>19 Q. If I -- if you had to give me the most</p> <p>20 comprehensive list of the equipment, what would you</p> <p>21 do to find that?</p> <p>22 A. Well, I'd just have to look in my records</p> <p>23 for titles, I guess.</p> <p>24 Q. So when you look in the records, are you</p> <p>25 looking on the computer or paper or --</p>	<p style="text-align: right;">15</p> <p>1 Q. You recall that time period. Yes?</p> <p>2 A. Well, I know he was incarcerated. As far as</p> <p>3 a time period, what you're asking about, a time</p> <p>4 period, I don't know. I know he was incarcerated. I</p> <p>5 don't keep track.</p> <p>6 Q. Okay. But you had phone calls with him</p> <p>7 while he was there. Right?</p> <p>8 A. Yes.</p> <p>9 Q. Okay. Do you recall if he asked you to</p> <p>10 contact his friend whose dad recently died?</p> <p>11 A. I don't -- I don't know what you're saying.</p> <p>12 Q. You don't remember that?</p> <p>13 A. I -- I don't -- I don't know. You're saying</p> <p>14 that -- he told me what, you say?</p> <p>15 Q. To contact his friend who recently -- whose</p> <p>16 dad recently died.</p> <p>17 A. Cody, maybe.</p> <p>18 Q. What's Cody's last name?</p> <p>19 A. I don't know. Cody something. I -- I don't</p> <p>20 know. I don't know. I'm trying to think. I -- like</p> <p>21 I said, I don't keep track of any of these people's</p> <p>22 stuff. I don't know. I guess, what are you asking</p> <p>23 me?</p> <p>24 Q. I'm asking you if you contacted Andy Yuker</p> <p>25 at the request of Robert when he was incarcerated,</p>

<p style="text-align: right;">16</p> <p>1 during that time period?</p> <p>2 A. I -- I don't know if I did or not. I don't</p> <p>3 know. I don't recall. I...</p> <p>4 Q. What's your phone number?</p> <p>5 A. (701) 690-3988.</p> <p>6 Q. Do you know if you've ever texted Andy</p> <p>7 Yuker?</p> <p>8 A. Well, I probably have over the time. I</p> <p>9 don't know. I -- I know I talked to him about</p> <p>10 getting repair work done on a truck probably in that</p> <p>11 same timeframe because there was a driver complaining</p> <p>12 about something, and he needed it fixed, and Andy was</p> <p>13 a candidate to fix it. I don't know.</p> <p>14 Q. Whoops. Wrong one. And you said your</p> <p>15 number was (701) 690-3988. Is that correct?</p> <p>16 A. Uh-huh. Yep.</p> <p>17 Q. And did you send these text messages to Andy</p> <p>18 Yuker on October 21st?</p> <p>19 A. Well, obviously. It's in print, yes. I --</p> <p>20 I -- I don't -- I wouldn't have been able to tell you</p> <p>21 the date right now --</p> <p>22 Q. Okay.</p> <p>23 A. -- but that's what it says.</p> <p>24 Q. And there's a reference here to Black</p> <p>25 Beauty. What is Black Beauty?</p>	<p style="text-align: right;">18</p> <p>1 A. I have no idea. I don't keep track of my</p> <p>2 communication. I -- I -- I don't. I don't see the</p> <p>3 need to. I -- I do something, and I put it out of my</p> <p>4 head, and I go on, you know? I -- I -- that's just</p> <p>5 how I do.</p> <p>6 Q. There were -- do you know what Mr. Fetting</p> <p>7 meant when he asked you to -- about a white item and</p> <p>8 a silver item?</p> <p>9 A. I have no idea what that is.</p> <p>10 Q. Okay. Let's look at -- you're able to see</p> <p>11 this. Right?</p> <p>12 A. Yeah.</p> <p>13 Q. These are transcripts of the calls that you</p> <p>14 had with Robert while he was incarcerated.</p> <p>15 A. Okay.</p> <p>16 Q. And he's saying here, "What the fuck is</p> <p>17 going on with my friend that his dad died?"</p> <p>18 Who is he referring to?</p> <p>19 A. I just think that was Cody. I don't know.</p> <p>20 Q. Are you sure Robert's not in the room with</p> <p>21 you?</p> <p>22 A. Ma'am, yes.</p> <p>23 Q. Yes, he is, or --</p> <p>24 A. I'm sure. I'm sure. I -- I don't -- I...</p> <p>25 Q. Okay. Have you talked to him? Did you try</p>
<p style="text-align: right;">17</p> <p>1 A. It's one of the semis.</p> <p>2 Q. Which one?</p> <p>3 A. I don't know. They gave -- they give it a</p> <p>4 nickname. The driver gave it a nickname, Black</p> <p>5 Beauty.</p> <p>6 Q. And why were you texting him about Black</p> <p>7 Beauty?</p> <p>8 A. I'm trying to get it repaired because the</p> <p>9 driver complained that it was not -- it needed some</p> <p>10 work. Rob's incarcerated. I'm not a mechanic.</p> <p>11 Yuker is a mechanic. He has people working for him.</p> <p>12 I thought it was an option.</p> <p>13 Q. Do you know what this is a picture of?</p> <p>14 A. No, I don't.</p> <p>15 Q. You took --</p> <p>16 A. I -- okay. So it's a picture of something,</p> <p>17 of a -- of a -- a truck. I don't know.</p> <p>18 Q. Was this a picture of Black Beauty?</p> <p>19 A. It looks dirty, whatever it is.</p> <p>20 Q. Why were you sending these pictures to Andy</p> <p>21 Yuker?</p> <p>22 A. Hmm. Because something may have been</p> <p>23 broken. Maybe it was from a driver. I don't know.</p> <p>24 Q. I mean, this is, like, the only time you</p> <p>25 ever sent text messages to him. Correct?</p>	<p style="text-align: right;">19</p> <p>1 to call Cody?</p> <p>2 A. I don't know what his number was. I don't</p> <p>3 know. I don't -- you know, I -- I don't. You're</p> <p>4 asking about something that happened how many months</p> <p>5 ago, as if I'm supposed to have a photogenic memory,</p> <p>6 and I don't.</p> <p>7 Q. So you don't have Cody's number?</p> <p>8 A. Okay. I -- I -- I've had a lot of people's</p> <p>9 numbers in my phone at times, and I've gotten rid of</p> <p>10 numbers in my phone at times. I have people come and</p> <p>11 go so quickly. It -- it -- it -- I don't know.</p> <p>12 Q. Were you asking Cody to actually come out</p> <p>13 there?</p> <p>14 A. Like I said, I do not recall what it is that</p> <p>15 happened how long ago. I'm thinking that Cody is in</p> <p>16 Texas, so, no, he wouldn't be coming here. I</p> <p>17 think --</p> <p>18 Q. What's -- what's the cat's name?</p> <p>19 A. Black Betty.</p> <p>20 Q. And what is -- do you see this language</p> <p>21 right here?</p> <p>22 A. No. I've got to put my glasses on, but just</p> <p>23 hold on just one second.</p> <p>24 Let's see. Language where? That's in</p> <p>25 yellow? Is that --</p>

<p style="text-align: right;">20</p> <p>1 Q. "You'll have work on Black Betty, but the 2 white and silver are good, or no?" 3 What did he mean by "the white and silver"? 4 A. I don't know where you're -- I -- I don't 5 know. I -- I don't know. 6 Q. Here's a reference down here to "Black 7 Betty's got two fucking wheels." 8 Any idea why -- if Black Betty is also a 9 reference to a motorcycle? 10 A. If it is, it's not known to me, or -- if it 11 is, I don't know. 12 Q. Why do you think he said, "It's got two 13 fucking wheels"? 14 A. I -- I can't -- okay. I -- I do not know. 15 And you're asking about something that was -- that 16 happened how many months ago? How many months ago 17 did this happen, or years? What is it? 18 Q. This was October of 2023. 19 A. Okay. So I -- I -- I don't recall what's 20 going on from then until now. I'm sorry. 21 Q. Do you recall that Robert had a Harley? 22 A. You know, I don't know if he does or not. 23 Doesn't -- 24 Q. Do you know where the Harley is? 25 A. I'm sorry. What?</p>	<p style="text-align: right;">22</p> <p>1 what I need for tickets and for this and for that, 2 and that works well. I -- I -- my brain capacity is 3 at its limit. 4 Q. Let's look at -- do you know -- sorry -- 5 what third parties may have made loans to Stark 6 Energy? I'm not talking about banks, but, like, 7 individuals. 8 A. Well, he's had some that he has had loans 9 through. Again, I'd have to research it. I don't 10 have it in my head. 11 Q. Do you recall any -- 12 A. I'd have to look and see what I could find. 13 Q. What would you look at? 14 A. Well, I -- I would just try to look and see, 15 you know, if there was a file for -- with the -- from 16 under loans. I'm not computer techie, technology 17 today. I'm old technology. Paper. 18 Q. So do you have a file folder that says 19 "loans"? 20 A. I have some Gate City loans and things like 21 that, and he's got a bunch of slime loans and -- I 22 don't know. I don't know. 23 Q. Do you know if Stark Energy ever loaned 24 money to Fettig Enterprise? 25 A. No, I don't.</p>
<p style="text-align: right;">21</p> <p>1 Q. Do you know where the Harley is? 2 A. No, I don't. I don't know anything about a 3 Harley or where it is or anything like that. I'm -- 4 I'm here doing tickets and things like that, and 5 paying some bills and, you know, doing what I can do, 6 and -- and it's not, you know -- I don't know. I -- 7 I -- I don't understand all of this stuff, so for me, 8 I just pray and turn it over to God because I -- I 9 don't understand half of what is going on. 10 Q. So when did -- do you have any idea when the 11 equipment started disappearing? 12 A. No. I don't have a timeline because I -- I 13 don't -- I don't go up to the shop. I don't -- you 14 know, I don't know. 15 My son was upset, you know, maybe that's 16 what it was, and -- end of '23, I think. This is 17 '24. '23, yeah. 18 Q. Does Rob reside with you? 19 A. I'm sorry. What? 20 Q. Does he live with you? 21 A. No. I live with him. 22 Q. You live with him. Okay. So did he talk 23 about it at home? 24 A. He does not discuss things with me, and 25 that's just fine. I -- I -- I ask information for</p>	<p style="text-align: right;">23</p> <p>1 Q. You don't know or it didn't? 2 A. I don't know. I -- I don't believe so, but 3 I don't know. Like I said, I don't -- I don't get 4 into all this stuff. I am just processing tickets. 5 And I... 6 Q. But you make payments, too. Right? Write 7 checks? 8 A. Well, yeah, utilities and things like that, 9 and -- and -- and, you know, some payments, yeah. 10 They -- they -- they're automatic, or they were. And 11 then when they stopped being automatic when they shut 12 the bank accounts and things down, then I tried to 13 keep a check, and, you know, I -- I don't know. 14 Q. Do you have access to the online banking 15 system? 16 A. I have access to the DIP account, uh-huh. 17 Q. What about did you have access to the 18 Gate City bank account? 19 A. I did, but they shut us out, so there's 20 nothing there anymore. 21 Q. Would you log in and make payments from 22 that, wire transfers? 23 A. We -- we did some wires, yes. 24 Q. Were you the one that did those, or did Rob 25 do those?</p>

<p style="text-align: center;">24</p> <p>1 A. I -- I -- I did them, but it was -- I -- I</p> <p>2 would often have to call and ask for help, you know?</p> <p>3 Q. Okay. What about transferring between</p> <p>4 accounts? Did you do those?</p> <p>5 A. I don't think I did that. I don't -- uh-uh.</p> <p>6 Q. Let's look at -- I want to show what's</p> <p>7 Exhibit 16.</p> <p>8 A. Okay.</p> <p>9 Q. Are you familiar with that?</p> <p>10 A. It's a Gate City bank account, uh-huh.</p> <p>11 Q. Okay. And --</p> <p>12 A. Yeah.</p> <p>13 Q. -- on what's been marked as -- what is</p> <p>14 it? -- Gate City 565, there is a deposit on --</p> <p>15 A. What does "565" mean?</p> <p>16 Q. I'm sorry. Do you see at the bottom corner?</p> <p>17 A. Okay.</p> <p>18 Q. Really tiny "Gate City 565," that's a page</p> <p>19 numbering method.</p> <p>20 A. Oh.</p> <p>21 Q. The pages are numbered. They call it Bates</p> <p>22 stamping. So I'm just saying that to let the court</p> <p>23 reporter know.</p> <p>24 So there's this transaction. There's a</p> <p>25 deposit of almost one and a half million dollars on</p>	<p style="text-align: center;">26</p> <p>1 ask him?</p> <p>2 Q. Didn't get to that point, but he did --</p> <p>3 A. Oh, okay.</p> <p>4 Q. -- indicate money was owed to Fettig</p> <p>5 Enterprise.</p> <p>6 Okay. Let's look at --</p> <p>7 A. The only thing I can think of is that kind</p> <p>8 of money is -- would be -- I don't know. Maybe to</p> <p>9 operate? I don't know.</p> <p>10 Q. Okay. This is your handwriting. Right?</p> <p>11 And we're looking --</p> <p>12 A. Yeah, yeah --</p> <p>13 (Simultaneous, indiscernible crosstalk</p> <p>14 interrupted by the court reporter. A discussion was</p> <p>15 held off the record.)</p> <p>16 Q. (BY MS. STANLEY) Did you write this check</p> <p>17 out?</p> <p>18 A. Yeah. That's my writing.</p> <p>19 Q. Okay. Do you know what "Apple CDJR" is?</p> <p>20 A. No. I haven't a clue.</p> <p>21 Q. Okay. It says, "Apple Chrysler Dodge Jeep</p> <p>22 Ram." Does that help?</p> <p>23 A. If that's what it is. I -- like I said --</p> <p>24 you asked me, and I didn't know what Apple CDJR is.</p> <p>25 Q. Why would you have written a check out for</p>
<p style="text-align: center;">25</p> <p>1 January 10th. Was that an EIDL loan, SBA loan?</p> <p>2 A. That's what that says in print.</p> <p>3 Q. Okay. Do you recall when that -- those</p> <p>4 funds came in?</p> <p>5 A. It looks like it came in on the 10th. I</p> <p>6 don't know.</p> <p>7 Q. But do you recall having that much money in</p> <p>8 the account?</p> <p>9 A. I -- I -- I -- I -- I know he had an SBA</p> <p>10 loan. Okay? I don't know -- you're showing me the</p> <p>11 documentation. It went in there on the 10th. What</p> <p>12 year this is, I don't know. You'd have to go back up</p> <p>13 to the top. But I -- I don't -- I've never balanced</p> <p>14 a check -- checking account in my life, so I don't</p> <p>15 know.</p> <p>16 Q. Okay. So do you have any idea -- let's see.</p> <p>17 This transaction here, \$60,000 on January 11th, that</p> <p>18 was transferred to Fettig Enterprise's account. Do</p> <p>19 you know why?</p> <p>20 A. No, I don't.</p> <p>21 Q. Did you do it?</p> <p>22 A. I don't believe so. I don't -- I don't --</p> <p>23 didn't do a lot of this shit. I don't --</p> <p>24 Q. So did Mr. Fettig do that transaction?</p> <p>25 A. Probably. I guess. I don't know. Did you</p>	<p style="text-align: center;">27</p> <p>1 \$20,000?</p> <p>2 A. I probably -- I'm sure I knew at the time,</p> <p>3 but right now I -- I can't recall. I -- like I say,</p> <p>4 I -- I don't have a photogenic memory bank. I just</p> <p>5 don't.</p> <p>6 Q. How would you find out what it was for?</p> <p>7 A. I don't know. I'd have to ask somebody. I</p> <p>8 don't know who. Rob, I guess.</p> <p>9 Q. You wouldn't have any paperwork on that?</p> <p>10 A. I'd have to look and see, but I -- off the</p> <p>11 top of my tongue, I don't know.</p> <p>12 Q. Did you buy -- did you know if Stark Energy</p> <p>13 bought equipment at that point?</p> <p>14 A. I have no idea.</p> <p>15 Q. Okay. What about this one? This one is --</p> <p>16 that's your handwriting again. Right?</p> <p>17 A. Yep.</p> <p>18 Q. Okay. R & R Farm & Electric for \$46,000,</p> <p>19 why was this payment being made?</p> <p>20 A. It says right there on the memo, it's a loan</p> <p>21 payoff. Borrowed money.</p> <p>22 Q. Okay.</p> <p>23 A. Operating, I'm guessing, or something.</p> <p>24 Q. Okay. What paperwork exists to show this?</p> <p>25 A. I'm sorry. What?</p>

<p style="text-align: right;">28</p> <p>1 Q. What paperwork exists to show there's a 2 loan? 3 A. Somewhere. Should be, yeah. 4 Q. Where would you look for it? 5 A. I'd have to look for it. I -- you know? 6 Probably under R & R, maybe? "L" for loan? I don't 7 know. But that's not a given, because I've had 8 people in the office who have not been able to file 9 by alphabet, and they put, like, F's in with the S's 10 and T's in with the B's, and then I let them know. 11 Q. So would this paperwork be in your office? 12 A. It would be somewhere, yeah, but I'm saying 13 where exactly, I don't know. 14 Q. Were you aware that there was a loan with 15 R & R Auto Farm & Electric? 16 A. Yeah. There was a loan, yeah. I -- 17 Q. How much was it for? 18 A. That, I don't know. 19 Q. Who was the person -- were you ever dealing 20 with anyone from there? 21 A. R & R is Rodney. He's the owner. 22 Q. It's somebody named Rob? 23 A. Pardon me? 24 Q. Is someone -- who is R & R? Is there 25 someone named Rob that works at R & R?</p>	<p style="text-align: right;">30</p> <p>1 actually a loan from Cody? 2 A. Yeah. That's -- when I wrote the check, I 3 put a definition of it, "loan repayment." 4 Q. Did you ever see any paperwork about a loan 5 being made? 6 A. I'm sure there's paperwork somewhere. 7 Q. Where would the somewhere be? 8 A. Like I said, it should be a paper somewhere, 9 you know, maybe with the CPA, maybe -- this is '22. 10 I don't know. Somewhere. 11 Q. Would it be in the office with you? 12 A. It could be, but, again, I told you, I had 13 people file, and they couldn't file according to the 14 alphabet, so if it was under C for Cody, it might be 15 in the S's or the Z's because they didn't file things 16 properly. 17 Q. What about Doyle McMinn? 18 A. Okay. 19 Q. Do you know who that is? 20 A. Deposit for -- he was a previous employee. 21 It looks as though this was a purchase the company 22 was making, but I don't know anything more than that 23 other than the deposit. 24 Q. And a 2016 Chevy 1500? 25 A. Yes, that's what it says.</p>
<p style="text-align: right;">29</p> <p>1 A. No. Rodney. Rodney. 2 Q. Oh, Rodney. Okay. 3 I mean, is there any documentation in your 4 QuickBooks on this? 5 A. There should be, but I don't know, and I 6 can't navigate through QuickBooks. I -- I'm not -- 7 it should be there. That's all I can say. 8 Q. Are you familiar with a company called Blue 9 Water Landscaping? 10 A. I've heard the name before. 11 Q. What are they? 12 A. Sounds like they're landscaping, Blue Water 13 Landscaping. 14 Q. How have you heard the name before? 15 A. I -- I just heard it. I don't know. Maybe 16 I -- maybe a sign on a truck, you know? I don't 17 know. A van? I don't know. 18 Q. Did -- do you know if they made a loan? 19 A. I don't know. 20 Q. Do you know who Cody Clanton is? 21 A. Cody Clanton? No. 22 Q. Did you write this check out to him for 23 \$12,000? 24 A. Yeah. That's my writing, uh-huh. 25 Q. And do you have any idea if there was</p>	<p style="text-align: right;">31</p> <p>1 Q. So that was a purchase for that piece of 2 equipment? 3 A. Yes, it was. Or a deposit. I don't know 4 what -- what the paperwork states. 5 Q. The rest of it got paid for? 6 A. I don't know. 7 Q. Who would know? 8 A. I would guess Rob, but I don't know. 9 It's -- it's somewhere. 10 Q. Do you know where this 2016 Chevy 1500 is? 11 A. No. I don't even know what it looks like, 12 to be honest with you. 13 Q. Is there a purchase agreement for it? 14 A. I would think so for this check to be 15 issued, but... 16 Q. Where would the purchase agreement be? 17 A. At this point, your guess is as good as 18 mine. 19 Q. Jacob Cullip, do you know who that is? 20 A. Looks like it's someone that he borrowed 21 money from. 22 Q. Do you know if there was any paperwork about 23 a loan? 24 A. I would imagine there is. 25 Q. Have you ever seen any?</p>

<p style="text-align: right;">32</p> <p>1 A. I've seen different ones. Now, whose names 2 are on them, I can't recall. 3 Q. Where have you seen them? 4 A. On a piece of paper. 5 Q. In your office? 6 A. No, but I don't know. 7 Q. Do you shred paper? 8 A. Yes, I do that, too, but this is not 9 something that would be shredded. I shred junk, junk 10 mail. 11 Q. I think the last one here is Blue Water 12 Landscaping. 13 A. Okay. 14 Q. The loan would be \$112,000? 15 A. What's your question? 16 Q. Do you recall a loan with Blue Water 17 Landscaping for \$112,000? 18 A. It says "loan payoff," so, yes, there was a 19 loan. 20 Q. And have you ever seen -- 21 A. I didn't write that check, Blue Water 22 Landscaping, loan payoff. I signed it. 23 Q. So who wrote that? 24 A. Someone in the office, maybe. I don't know. 25 Q. Would you normally sign stuff if you didn't</p>	<p style="text-align: right;">34</p> <p>1 employees. They find them in trucks from employees 2 that are long gone and never got to turn them in, 3 because they -- they don't take them late like that, 4 six months, three months, whatever late. No. 5 Q. Do you know if Fettig Equipment has its own 6 equipment? 7 A. I'm guessing, yeah. Yeah. They would have 8 to. 9 Q. Do you have a list of that equipment? 10 A. I -- I don't... 11 Q. You don't know? Is that what you said? 12 A. Right. I don't know. 13 Q. Do you guys own any property down in 14 Florida? 15 A. No. 16 Q. Do you know if Stark Energy has equipment in 17 Florida? 18 A. I don't know. 19 Q. Do you know if -- 20 A. No, I -- I -- I have no... 21 Q. Do you know if Fettig Enterprise has 22 equipment in Florida? 23 A. No. I don't know. 24 Q. Where would Fettig Enterprise have its 25 equipment?</p>
<p style="text-align: right;">33</p> <p>1 know what it was -- 2 A. It was a loan payoff. That's what I know. 3 Q. When was this loan taken out? 4 A. I don't know. 5 Q. It looks like the endorser is Jaime. Do you 6 know who that is? 7 A. Yeah, I recognize the name. 8 Q. Who is that? 9 A. Jaime. I -- I recognize the name. I don't 10 know. Like I said, people come and go so quickly, I 11 don't know who's who, if he was a -- I think he was a 12 friend of Rob's. 13 Q. Of Rob's? 14 A. Yeah. The family, whatever. From church, 15 maybe. I don't remember exactly. I'm just trying to 16 connect the dots, and maybe I'm not doing it right. 17 I'm -- you're asking me to go back in time, and it's 18 not exactly easy for me to do right here. You show 19 me something, and I'm -- I don't know. 20 Q. Do you know if -- do you keep copies of all 21 of the field tickets? 22 A. Well, sometimes we do. Sometimes we don't 23 even get them. I mean, how do I say that? Sometimes 24 I don't get the originals or -- or hard copies. I -- 25 I don't. Sometimes I find them in -- in trucks from</p>	<p style="text-align: right;">35</p> <p>1 A. I would think at the shop in Belfield. 2 Q. Was it normal that Fettig Enterprise would 3 use Stark Energy equipment or vice versa? 4 A. No, I don't think so. 5 Q. What type of equipment does Fettig 6 Enterprise have? 7 A. Stuff for the shop. 8 Q. You mean like repair equipment or -- 9 A. Yes. Uh-huh. 10 Q. Was it -- was Fettig Enterprise, like, an 11 over-the-road trucking company? 12 A. Yes. 13 Q. So did it have trucks? 14 A. Yes. 15 Q. Where would those be? 16 A. They were at the shop. I don't -- I don't 17 manage trucks. I don't manage things like this, so 18 I'm sorry. I don't know. 19 MS. STANLEY: I have no further questions. 20 MR. VERSTANDIG: I have nothing for this 21 witness. 22 She's not my corporate rep. Do you want to 23 explain reading and signing to her? 24 MS. STANLEY: You have the right to review 25 the transcript and read it for any -- you know, like</p>

1 if the court reporter took down a wrong name or
2 something, to correct it, or you can -- or you can
3 waive it. You can't change your testimony, but if
4 she took something down that was, you know, spelled
5 wrong, incorrect, or something like that, you can
6 make a correction.

7 Do you want to review it or do you want to
8 waive that right?

9 THE WITNESS: You're talking to me?

10 MS. STANLEY: Yes.

11 THE WITNESS: You're talking to me?

12 MS. STANLEY: Yes. Yes.

13 THE WITNESS: Oh. Yeah, I want to look and
14 see what it is.

15 MS. STANLEY: Okay.

16 (A discussion was held off the record.)

17 THE COURT REPORTER: Mr. Fettig, you still
18 appear on the screen. Are you there?

19 (No audible response.)

20 THE COURT REPORTER: I don't know if you
21 want him listed as present or not, Counsel? I don't
22 know if he's there or not.

23 MR. VERSTANDIG: I have no idea if he was
24 present for this or not. My inclination is to say he
25 was not present for her deposition.

1 THE COURT REPORTER: Ms. Stanley?

2 MS. STANLEY: (No audible response.)

3 THE COURT REPORTER: I can indicate he
4 appeared on the screen, but we don't know if he was
5 there. Does that work?

6 MS. STANLEY: That's fine.

7 (These proceedings were concluded at
8 1:48 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 NOTARY REPORTER'S CERTIFICATE

2 STATE OF NORTH DAKOTA
3 COUNTY OF CASS

4 BE IT KNOWN, I took the foregoing
5 videoconference deposition of Delene Fetting;

6 THAT, I was then and there a Notary Public in
7 and for the County of Cass, State of North Dakota,
8 and exercised the power of that office in taking said
9 deposition;

10 THAT, said witness, before testifying, was
11 remotely sworn to tell the truth, the whole truth,
12 and nothing but the truth;

13 THAT, the reading and signing of the deposition
14 by the witness was reserved;

15 THAT, I am not related to or employed by or
16 contracting with any of the parties or attorneys to
17 the action in which this deposition is taken and am
18 not financially interested in this action;

19 THAT, the cost of the original has been charged
20 to the party who noticed the deposition, and that all
21 parties who ordered copies have been charged the same
22 rate for such copies;

23 THAT, the testimony was taken down in stenotype
24 by me and reduced to thirty-seven (37) typewritten
25 pages and is a true and correct transcript of the
proceedings to the best of my ability and given the
quality of the audio in the remote deposition
setting.

WITNESS my hand and seal this 1st day of July,
2024.

22 /s/ Carolyn Taylor Pekas
23 Carolyn Taylor Pekas, Notary Public, North Dakota
24 My commission expires: December 16, 2026
25